

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION

CRAIG R. WOODS	§	
v.	§	CIVIL ACTION NO. 6:05cv68
STATE OF TEXAS, ET AL.	§	

MEMORANDUM ADOPTING INITIAL REPORT AND RECOMMENDATION  
OF THE UNITED STATES MAGISTRATE JUDGE

The Plaintiff Craig R. Woods filed this lawsuit complaining of alleged deprivations of his constitutional rights. This Court ordered that the case be referred to the United States Magistrate Judge pursuant to 28 U.S.C. §636(b)(1) and (3) and the Amended Order for the Adoption of Local Rules for the Assignment of Duties to United States Magistrate Judges.

The only named Defendants in the lawsuit were the State of Texas and the Cherokee County Jail. On April 18, 2005, the Magistrate Judge issued a Report recommending that the State of Texas be dismissed on the basis of sovereign immunity. Woods filed objections to this Report on April 29, 2005, which appear to say that he intended to sue an individual officer with the Texas Department of Public Safety, but did not know this person's name.

The Magistrate Judge's Report spoke only to the State of Texas itself as a Defendant in the lawsuit. In so doing, the Magistrate Judge's Report was correct. The dismissal of the State of Texas will not prevent Woods from later amending his lawsuit to add this individual when his or her identity is established. An evidentiary hearing is currently scheduled in this lawsuit for June 23, 2005, at which time this matter may be explored more fully.

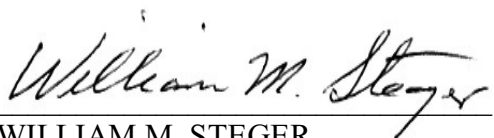
The Court has conducted a careful *de novo* review of the Plaintiff's pleadings, the Report of the Magistrate Judge, and the Plaintiff's objections thereto. Upon such review, the Court has

concluded that the Report of the Magistrate Judge is correct and that the Plaintiff's objections are without merit. It is accordingly

ORDERED that the Report of the Magistrate Judge (docket no. 9) is hereby ADOPTED as the opinion of the District Court. It is further

ORDERED that the State of Texas and, by extension, the Texas Department of Public Safety be and hereby are DISMISSED from this lawsuit. This dismissal shall have no effect upon the Plaintiff's claims regarding his treatment in the Cherokee County Jail, nor upon his right to amend his lawsuit to add the individual Department of Public Safety officer to whom he refers.

**SIGNED this 16th day of May, 2005.**

  
WILLIAM M. STEGER  
UNITED STATES DISTRICT JUDGE